

**SPECIAL MAGISTRATE HEARING  
City Commission Meeting Room  
Judge Floyd Hull, Presiding  
January 5, 2006  
9:00 A.M. – 1:15 P.M.**

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**Staff Present:**

Eve Bazer, Administrative Assistant  
Assistant City Attorney  
Valerie Bohlander, Building Department Director  
Dick Eaton, Secretary, Special Magistrate  
Leonard Ackley, Community Inspections Officer  
Lindwell Bradley, Community Inspections Supervisor  
Terry Burgess, Zoning Division  
Diana Cahill, Service Clerk  
Michael Champion, Community Inspections Officer  
Andre Cross, Community Inspections Officer  
Adam Feldman, Community Inspections Officer  
John Gossman, Community Inspections Officer  
Tony Irvine, City Surveyor  
Gilbert Lopez, Community Inspections Officer  
Mike Maloney, Community Inspections Officer  
Skip Margerum, Community Inspections Officer  
Angelo Paloumbis, Community Inspections Officer  
Cheryl Pingitore, Community Inspections Officer  
Ursula Thime, Community Inspections Officer  
Robert Urow, Community Inspections Officer  
Salvatore Viscusi, Community Inspections Officer  
Tim Welch, City Engineer  
Irma Westbrook, Community Inspections Officer

**Also Present:**

\*CE05071126: Luis Guedes, owner's husband  
CE05081255: Nicolas Konomou, owner  
\*CE05060673: Gregory Sweich, owner  
\*CE05011084: Michael Muller, owner's son  
\*CE00042017: Raymond Dilulio, owner  
\*CE97050586, \*99021602: Mohammed Haroon, Owner, Dick Coker, owner's attorney  
\*CE03121635: James Brown, owner  
CE05070403: Charles Thayer, neighbor, Molly Thayer, neighbor, Neil Kalis, owner's attorney, Steve Osber, neighbors' representative, Mark Grant, neighbor, Rich Beers, neighbor  
\*CE05040935: Jerry Riggs, owner

CE05110558: Anthony Fogliotta, owner's brother  
CE05092039: Janice Danziger, owner  
CE05061600: Denny Hughes, owner  
CE05060150: Darren Williams, owner  
CE05091515: Scott Helmus, company director  
\*CE04070569: Patricia Naya, management company  
CE04121064: Maria Freeman, owner  
CE05010796: Archie Giles, owner  
CE04120247: Cindy Brewer Bulk

\*Massey Hearing

NOTE: All individuals who presented information to the Special Magistrate during these proceedings affirmed they would speak only the truth.

The meeting was called to order at 9:00 A.M. Judge Hull introduced himself and explained his role in ensuring adherence with the City's codes. He also pointed out that the proceedings were being recorded.

**Reference CE05070403**

Wane Abbott Revocable Trust  
421 Isle of Capri

Sec. 47-19.3 E: Top surface of dock exceeds  
5-½ feet above sea level; Sec. 47-34.1 A.1:  
Unpermitted structure height

Ms. Bazer announced that certified mail addressed to the owner had been accepted on December 13, 2005 and certified mail addressed to the owner's attorney had been accepted on December 7, 2005.

Mr. Neil Kalis, the family attorney, explained that he had filed a notice of appearance and a notice for continuance. Mr. Kalis explained the violations and noted that the City had issued a Certificate of Occupancy and his clients were living at the house. The family had retained engineers, surveyors and architects to assist in the case and believed that there were no violations. He requested additional time to complete the survey work; he felt this would take approximately 3 months.

Mr. Kalis explained that this had begun approximately one year ago with questions from neighbors. Mr. Kalis explained to Judge Hull that Mr. Abbott had always been the owner. Mr. Kalis thought that the first complaint had been received by his client in September 2005.

Judge Hull wondered how the building could reach its present state of construction without anyone noticing there was a violation. Mr. Kalis explained that the City relied on the accuracy of surveys presented to them. At some point, the City had begun to question the survey information.

The Assistant City Attorney stated the City had no objection to the attorney's request for a continuance.

Mr. Lindwell Bradley, Community Inspections Supervisor, testified that a neighbor phoned in a complaint in July 2005 that a deck was being built and that there were setback issues. When the code inspector checked the records, he confirmed that the construction was permitted and the house was still being worked on, so he closed the case.

Ms. Valerie Bohlander, Building Department Director, explained that a few different neighbors had complained. The architect and contractor had been to her office several times concerning the building, setbacks, and other issues. They had both assured her that a survey would be submitted when the job was complete that would demonstrate the work was all to code. These surveys were submitted after the work was completed but the work was not correct.

Supervisor Bradley confirmed that the first complaint was received in May 2005 regarding the dock only. Mr. Tony Irvine, City Surveyor, said emails were received in May regarding the sea wall cap and the dock. He had asked the complainant and Building Department to find documentary evidence that there was a violation and referred the problem to Director Bohlander. Mr. Irvine explained to Judge Hull that he needed another survey to bring the original survey into question. Ms. Bohlander informed Judge Hull that when the City had a signed and sealed survey and a permit had been issued, they would not halt construction.

Mr. Irvine reported that another surveying firm, McLaughlin and Associates, had in fact, conducted another survey, but "felt it best in their interest not to release that survey work."

Director Bohlander informed Judge Hull that a Certificate of Occupancy had been issued in June and that they had consulted with the City Attorney, who informed them they could not revoke the CO based on a zoning violation, absent life safety issues.

Judge Hull wondered how this could be a matter of interpreting the zoning code. Mr. Terry Burgess, Zoning Division, explained that there was a requirement to obtain a spot survey with elevations prior to the second inspection. At that time, according to the surveyor, it complied with codes. Mr. Irvine said that when he checked the final survey, he found that some of the elevations for the roadway were incorrect. The surveyor had subsequently modified his survey accordingly. Mr. Burgess explained that there were five different ways to determine "grade" and this could result in a difference in the survey's benchmark. He admitted they were unsure whether there was excessive elevation. Mr. Irvine stated he was absolutely certain the dock was too high based on all requirements; the most recent survey confirmed this.

Mr. Kalis said his new survey refuted this. Mr. Kalis felt there was an issue regarding Mean Sea Level, which was the basis for judging the dock height. He quoted from an email sent by Mr. Irvine regarding the elevation, stating, "As you all are aware, the 5.5 elevation is not

absolute; the elevation of the dock may also be influenced by the average elevation of the ground abutting it."

Mr. Tim Welch, City Engineer, confirmed that he had inspected the dock earlier in the year and had subsequently sent a letter to the contractor expressing his concern and advising him that the CO would not be issued until a finished survey was submitted. Several months had passed until the erroneous survey was received.

Judge Hull did not understand why the City never issued a stop work order to the project. The Assistant City Attorney said the signed, sealed survey prevented them from doing so. She pointed out that the City agreed they needed to meet to discuss these issues with the owner and his representatives and had no objection to a continuance.

Mr. Irvine reiterated his contention that the surveys did not agree, but noted that Mr. Kalis had raised issues of interpretation that he felt should be looked at.

Ms. Bohlander confirmed for Judge Hull that her department was responsible for interpreting the Florida Building Code. Mr. Burgess informed Judge Hull that the owner could file an appeal with the Board of Adjustment if he disagreed with the Zoning Department's decision.

Mr. Steve Osber, representing Mr. Abbott's neighbors, stated that there was no question that the setbacks were not compliant and could be addressed now. Mr. Kalis objected, as this was not part of the cited code violations; he felt that Mr. Osber was attempting to build a record on which to base private litigation and asked Judge Hull to strike this discussion from the record.

The Assistant City Attorney informed Judge Hull that the City had investigated the setback issue and found there was no violation. She stated that code did not provide for neighbors to present unsubstantiated allegations of code violations to the Special Magistrate and it therefore should not be discussed here. Judge Hull declined to strike the discussion from the record.

Mr. Mark Grant, neighbor, said Mr. Abbott had erected a concrete wall abutting his property. He cited City code and insisted that the house was in violation of the code-required setbacks. Mr. Grant stated his opposition to any continuance, saying he wanted the house "held to code, with no variance." Judge Hull reminded him that both parties involved had already agreed to a continuance.

Mr. Charles Thayer, neighbor, said the neighbors sent a petition to the City regarding their complaints about the property in March 2005. Mr. Thayer said he had seen the property's file, and the McLaughlin survey with the correct figures, was available in the file before construction began.

Mr. Rich Beers, neighbor, said he had called Mr. Welch regarding the dock height in March 2004. Mr. Beers claimed that on his visit, Mr. Welch told Mr. Beers that the dock was too high, but that the City had later "dropped the ball" on the problem. The neighbors then

compiled a petition regarding the dock and sent this to the City. Mr. Beers had used his survey and a yardstick and tape measures to take measurements on the property and sent the information and photos to the City. Mr. Beers said they had gone back and forth with the Building Department on the issue and had eventually been informed that the only recourse was for the City to request another survey when the CO was requested.

Mr. Beers explained that the Abbotts had moved into the house after providing their own survey confirming that the property was compliant. Mr. Beers had then hired McLaughlin to survey his own property. Mr. Beers said the contractor had notified the police and they stopped the survey of Mr. Beers' property. Mr. McLaughlin had informed Mr. Beers that the Abbott's contractor had threatened litigation if the survey was released. Mr. Irvine had then convinced the surveyor to provide Mr. Beers with his survey.

Ms. Molly Thayer, neighbor, related that Mr. Abbott had removed trees from his yard without a permit and was never cited for this. Mr. Kalis objected and asked Judge Hull to strike this information from the record. Judge Hull declined to strike this information. Ms. Thayer said that in February 2005, the neighbors had determined the building was too tall simply by counting the cinder blocks. The pool was also left in an unsafe condition for two years. Ms. Thayer made several unsuccessful attempts to contact Mr. Abbott and his contractor to discuss the neighbors' concerns.

Ms. Thayer drew Judge Hull's attention to correspondence in the packet they had presented to him regarding this and mentioned several emails to the Mayor and City engineers informing them of these problems and asking why they had not been addressed properly by the City.

Judge Hull wanted the owner's and the neighbors' attorneys to be included in any discussions with the City to resolve these issues. Mr. Mike Liss, Mr. Kalis's assistant, reminded Judge Hull that Mr. Kalis might want to discuss some items with the City that were privileged and confidential and should not be shared with litigants. Judge Hull said he appreciated that argument. Mr. Osber asked to attend the meetings, in order to keep the neighbors up to date on the process; he felt they deserved to be aware of how the problem would be resolved. Judge Hull stated that this was not advisable. Mr. Kalis agreed to keep the neighbors aware of the status of discussions.

Judge Hull continued the case to April 6, 2006.

The next two cases were heard together:

**Reference 97050586**

M. A. Haroon  
1881 Davie Boulevard

Massey Hearing

Ms. Bazer announced that this case was first heard on July 3, 1997 with compliance ordered by August 2, 1997. The property was complied and fines had accrued in the amount of \$9,550.

Mr. Dick Coker, the owner's attorney, reminded Judge Hull of the proper considerations at a Massey hearing to consider reduction of the fine, including the gravity of the violation, the actions taken by the violator to correct the violations and any previous violations committed by the property owner.

Mr. Coker explained that these violations concerned the same property, two years apart, by the same inspector. He noted that the property was old and built under different requirements than more recent constructions. Mr. Coker wanted to discuss the violations, compliance dates (some of which Mr. Coker contested), and mitigating factors with Judge Hull.

For case 97050586, the owner was fined only for Section 9-280(d), regarding a wall in disrepair. The Assistant City Attorney related that this violation continued and was fined for 191 days at \$50 per day, for a total fine of \$9,550.

Mr. Mohammed Haroon, owner, agreed to Mr. Coker's summary of facts of the cases.

Mr. Coker described the process Mr. Haroon had gone through with the City to replace the wall. In an August 11, 1997 appearance before the Special Master, Mr. Haroon had requested additional time to obtain a determination from the City Zoning Department about the required wall replacement and was granted a one-month extension. He did not receive this determination from the City until April 1998 telling him he must replace the wall with another wall [not a fence]. Mr. Haroon received a permit for the wall on April 9, 1998 and built the wall within a week. The wall was reinspected and complied in April 1998.

Mr. Haroon said that during this time, the City was trying to change the zoning of the property to M-15 residential. This was why there was a question of whether he must rebuild a wall or could replace it with a fence. Ultimately, there was no zoning change.

Mr. Coker admitted that Mr. Haroon did not understand that he should have kept returning to the Special Master instead of just waiting for the City's determination. He suggested that a fine to cover the City's expenses was more appropriate, since the owner had worked with the City to resolve the issue.

Mr. Lindwell Bradley, Community Inspections Supervisor, reminded Judge Hull that all the inspectors involved in the case had retired. He noted that the Code Team had been sent to the property in 2002. On December 16, 2003, a letter was sent to former Community Inspections Director Lori Milano, indicating a settlement figure much higher than the current amount. Mr. Coker advised Supervisor Bradley that this was for the other case.

Mr. Haroon admitted he had refused the amnesty settlement, because he felt he had done his part and been in constant contact with the City regarding this issue.

Supervisor Bradley related that on June 6, 2003, Mr. Haroon had met with John Simmons, former Assistant Community Inspections Director to discuss the fine. Mr. Simmons made a recommendation to reduce the fines to \$8,200; this was the first offer Mr. Haroon declined. The amnesty figure was 25% of the original amount. Mr. Coker felt the amnesty amount would be a "fair compromise" today.

Judge Hull reduced the fine to \$2,387.50.

**Reference 99021692**

M.A. Haroon  
1881 Davie Boulevard

Massey Hearing

Ms. Bazer announced that this case was first heard on March 18, 1999 with compliance ordered by April 17, 1999. The property was complied and fines had accrued to \$64,500.

Mr. Dick Coker, the owner's attorney, explained that Mr. Haroon felt that six of the nine violations were very minor, regarding trash on the property. He claimed that the first two violations, Section 9-305(b) and 9-309 were repaired the day they were cited; Section 9-308(B) was repaired within 30 days.

According to Mr. Coker, Inspector Stockinger had told Mr. Haroon he would not reinspect to comply the property until all the violations were corrected.

Mr. Coker continued that Sections 47-21.8 A and 47-19.5 G related to the City's retroactive landscape code. There was an issue whether the retroactive landscape code applied to properties east of I95. Mr. Haroon stated that Mr. Dave Gennaro, Senior Landscape Inspector, had told Mr. Haroon that the landscaping was not required east of I95 and said he would speak with Inspector Stockinger. Inspector Stockinger returned and acknowledged he had spoken with Mr. Gennaro, but said he would like to see some trees out front. Inspector Stockinger said Mr. Gennaro would give Mr. Haroon a landscape drawing. Mr. Coker drew Judge Hull's attention to the drawing Mr. Gennaro had provided to Mr. Haroon. He noted that Mr. Gennaro had prepared the drawing on September 1, 1999; Mr. Haroon had obtained a permit immediately after receiving the drawing from Mr. Gennaro.

Mr. Coker continued that on November 12, 1999, a new inspector had decided that two of the trees Mr. Haroon had planted were too small and did not comply the violation. Mr. Haroon replaced the trees the same day. Mr. Haroon called for reinspection and Mr. Gennaro came and complied the violation on December 20, 1999.

Mr. Coker referred to two letters dated August 29, 1999, one to Inspector Stockinger and one to Sylvia Dietrich, expressing Mr. Haroon's shock that fines were running for violations that had been complied long ago. Mr. Haroon had asked Inspector Stockinger about this and Inspector Stockinger explained that the computer entries were not made properly and said he would take care of it. Mr. Coker noted that Mr. Simmons had later used the date of Mr. Haroon's letters as the compliance date to compute the fines.

As in the previous case, Mr. Coker noted that Mr. Haroon had acted to correct the problems as soon as he got the proper information from the City.

Mr. Lindwell Bradley, Community Inspections Supervisor, reiterated that he had no personal knowledge of this case. Supervisor Bradley stated he agreed with the landscaping compliance date because Police Officer Frank Catratti and Plumbing Inspector Frank Paglianite had visited the property on December 10, 1999 and confirmed that the trees were installed.

Supervisor Bradley pointed out to Judge Hull that numerous hours were spent on this case by City personnel and asked him to consider that in determining reduction of the fine. Mr. Coker agreed, and suggested a settlement of \$5,000, to which Judge Hull agreed.

Judge Hull reduced the fine to \$5,000.

**Reference CE04121064**

Sixth Street Plaza Inc.  
909 Northwest 5<sup>th</sup> Court

Massey Hearing

Ms. Bazer announced that this case was first heard on April 21, 2005 with compliance ordered by July 20, 2005. The property was not complied and fines had accrued in the amount of \$33,600.

Mr. John Gossman, Community Inspections Officer, testified that the property was still in violation. The owner had submitted a letter from Director Bohlander regarding the case. Inspector Gossman informed Judge Hull that the property was slated for demolition and redevelopment.

Ms. Maria Freeman, owner, said compliance would be made through the property's demolition within 2 months.

Judge Hull granted a 60-day extension.



**Reference CE05040935**

Daphne Lewis  
1025 Northwest 7<sup>th</sup> Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on August 4, 2005 with compliance ordered by August 11 and September 3, 2005. Three of the four original violations were not complied and fines had accrued in the amount of \$9,800.

Mr. Jerry Riggs introduced himself as the "quasi owner" of the property, explaining that he had given a second mortgage on the property in the early 1990s for repair purposes. The mortgage holder, Kelly Cocharan, had absconded with Mr. Riggs's money and he subsequently foreclosed. The foreclosure Judge had then given him the property by certificate of title and he had worked to rehabilitate the property in 1998.

During renovation, he once again gave a second mortgage to Daisy Sawyer. Once again, the new owner did not pay the second and he foreclosed. He was again given certificate of title and Mr. Riggs then sold the property to Daphne Lewis. Ms. Sawyer contested the sale and Mr. Riggs had then allowed Ms. Sawyer to hold the mortgage on the property, title would revert back to Mr. Riggs by certificate of title, and Ms. Lewis would be compensated for the equity in the home. Mr. Riggs presented Judge Hull with a copy of the certificate of title.

Mr. Riggs explained that he was in possession of the property and paid the fines for the water problem in September. He now had an agreement with a management company to repair the siding, but was unaware of the issues with the ground cover. Judge Hull wanted the record to indicate that Mr. Riggs had been granted title as of March 1, 2004. Mr. Riggs proposed that the City's ignorance of the change of title was why he had not been properly noticed about the violations. Ms. Bazer confirmed that Daphne Lewis was still listed as the owner with the tax records.

Mr. Riggs informed Judge Hull that he had been faxed a copy of the posting on the property by the management company just yesterday. He explained that he had begun repairs without being aware of the code violations. Judge Hull listed the specific violations and advised that Ms. Bazer would provide Mr. Riggs with a copy of the violations list. Mr. Riggs said he had spoken with the code officer and they agreed repairs should be made within 90 days.

Mr. Lindwell Bradley, Community Inspections Supervisor, was unsure of the City's standing, since the wrong owner had been cited. Judge Hull said Mr. Riggs was the acknowledged owner, and he would allow Mr. Riggs 90 days to comply the property.

Judge Hull granted an extension to April 6, 2006 and ordered the owner to appear at that hearing.

**Reference CE00042017**

Raymond Dilulio  
1745 Northwest 18<sup>th</sup> Street

Massey Hearing

Ms. Bazer announced that this case was first heard on June 15, 2000 with compliance ordered by July 15, 2000. The property was complied on December 27, 2000 and fines had accrued in the amount of \$4,100.

Mr. Raymond Dilulio, owner, produced a copy of the board up permit he obtained on July 20, 2000, proving his compliance on that date. He had learned of the fine when he tried to refinance the property.

Mr. Lindwell Bradley, Community Inspections Supervisor, agreed that the property was complied on July 20, 2005.

Judge Hull reduced the fine to \$125.00.

**Reference CE05011084**

Jeanette Urbanic  
1537 Northwest 7<sup>th</sup> Terrace

Massey Hearing

Ms. Bazer announced that this case was first heard on April 21, 2005 with compliance ordered by May 21, 2005. The property was complied on October 18, 2005 and fines had accrued in the amount of \$7,450.

Mr. Michael Muller, the owner's son, stated that his mother had only heard about the violations in October via posting at the property. Mr. Muller had ordered sod as soon as he knew of the violations. After the hurricane, he had visited the Building Department to let them know the property was complied. They were busy due to the hurricane and advised him that as long as the property was complied, there would be no problem.

Mr. Muller explained that a few days ago, his mother had received the notice of today's hearing at her address. Ms. Bazer confirmed that previous notices were sent to the Northwest 7<sup>th</sup> Terrace address and the tenant signed for them.

Mr. Andre Cross, Community Inspections Officer, said he had taken over the case in May. Inspector Cross said he had posted the property but someone had removed the postings. He confirmed that the property was complied by October 1.

Judge Hull reduced the fine to \$500.

**Reference CE04070569**

Bellamarc Investments, Inc.  
6890 Northwest 9<sup>th</sup> Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on November 18, 2004 with compliance ordered by February 16, 2005. The property was not complied and fines had accrued to \$7,200. Judge Hull noted that there were two extensions granted in the case.

Ms. Patricia Naya, the property management company representative, said they were originally supposed to appear at the November meeting. Instead of striping and repairing potholes, they now intended to bring it up to ADA code, replace the curbing and wheel stops. They had submitted plans that had been returned to them twice by the City. Their contractor was set to meet with someone at the City to discuss a problem with the handicapped parking aisles.

Judge Hull clarified appearance dates and extensions with Ms. Naya.

Judge Hull denied any further extension of time for compliance and signed the order to impose the fine.

**Reference CE05071126**

Adriana Villalba  
1046 Northwest 3<sup>rd</sup> Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on October 20, 2005 with compliance ordered by December 4, 2005. The property was complied and fines had accrued to \$225.

Mr. Luis Guedes, the owner's husband, explained that they had complied a couple of days late because of hurricane damage at the house.

Ms. Ursula Thime, Community Inspections Officer, confirmed that the property was complied 9 days late.

Judge Hull abated the fine.

**Reference CE05060673**

Gregory & Patricia Swiech  
1501 Northwest 3<sup>rd</sup> Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on September 15, 2005 with compliance ordered by September 22, 2005. The property was complied on September 28, 2005 and fines had accrued in the amount of \$500.

Mr. Gregory Swiech, owner, explained that the unregistered Winnebago belonged to a tenant. He had tried to find someone who would accept the camper as a donation or as a wreck. It had taken some time to find a junkyard that would accept it.

Mr. Andre Cross, Community Inspections Officer, confirmed that Mr. Swiech had called him virtually every day to report his progress.

Judge Hull abated the fine.

**Reference CE05010796**

Church's Fried Chicken  
590 Northwest 7<sup>th</sup> Avenue

Massey Hearing

Ms. Bazer announced that this case was first heard on April 7, 2005 with compliance ordered by June 21, 2005. Two of the original 7 violations were not yet complied and fines had accrued in the amount of \$19,700.

Mr. Archie Giles, owner, said repairs were made on the last two violations by October 1, 2005. Mr. John Gossman, Community Inspections Officer, agreed that the last two items were completed by that date, before Hurricane Wilma. Mr. Giles explained that other repairs became necessary after the hurricane. Mr. Giles said he did not have the paperwork with him to prove one of the compliance dates. Judge Hull advised him to bring this to the February 2, 2006 hearing.

Judge Hull continued the case to February 2, 2006.

**Reference CE04120247**

W.C. & F.J. Brewer Revocable Trust      Request for Extension of Time  
301 East Sunrise Boulevard

Ms. Bazer announced that this case was originally heard on March 17, 2005 with compliance ordered by June 15, 2005. An extension was granted between June 16 and October 15, 2005.

Ms. Cindy Brewer Bulk, daughter of the owner, explained that the property was complied except for the soffit repair. The building was set to be demolished and the occupants were in the DRC process, awaiting the February 28 hearing. Ms. Bulk could not appear at the October hearing because her father was taken ill; she had phoned Inspector Cross and informed him of this. Ms. Bulk hoped the DRC process would be complete in 120 days.

Judge Hull granted a 120-day extension.

**Reference CE05092039**

Twins Investment Group LLC  
1201 Northwest 2<sup>nd</sup> Avenue

Sec. 9-280(f): Deteriorated plumbing

Ms. Bazer announced that certified mail addressed to the owner was accepted [no date on card].

Ms. Irma Westbrook, Community Inspections Officer, testified that the plumbing was not maintained in sanitary, working condition. Inspector Westbrook had spoken with the owner, who informed her of legal problems with the existing tenant. She recommended ordering compliance within 14 days or a fine of \$100 per day.

Judge Hull found in favor of the City and ordered compliance within 14 days or a fine of \$100 per day would be imposed.

**Reference CE05091515**

1630 Westchester Realty Company  
3520 North Federal Highway

Sec. 47-22.6 E.1: Banner signs on property;  
Sec. 47-22.6 N.2: Non-permitted sign on property

Ms. Bazer announced that service was via the appearance of the owner at this hearing.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there were banner signs on the property and that signs on the property had no permits. She presented photos of the property taken on September 11, September 25, and October 9, and recommended ordering compliance within 7 days or a fine of \$50 per day, per violation. She informed Judge Hull that three inspectors had spoken with the tenant, informing him that the banners and signs must be removed.

Mr. Scott Helmus, company director, said the banners and signs were removed two weeks ago. Inspector Pingitore said she would return to reinspect.

Judge Hull found in favor of the City and ordered compliance within 7 days or a fine of \$50 per day, per violation would be imposed.

**Reference CE05060150**

Darren & Contina Williams  
1815 Northwest 7<sup>th</sup> Avenue

Sec. 9-306: Peeling paint/stained surfaces;  
Sec. 47-34.1 A.1: Permitted uses: outside storage;  
Sec. 9-280(h)(1): Fence in disrepair;  
Sec. 18-27(a): Trash on property;  
Sec. 9-281(b): Unlicensed, inoperable vehicle on property;  
Sec. 47-21.8: Missing ground cover

Ms. Bazer announced that certified mail addressed to the owner had been accepted on December 5, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that there were areas of stained paint on the building and areas of dead or missing ground cover on the property; the remaining sections were all complied. He presented photos of the property, a history of the property, a copy of the inspection report and Notice of Violation and recommended ordering compliance with Section 47-21.8 within 60 days or a fine of \$25 per day, and with Section 9-306 within 180 days or a fine of \$50 per day.

Mr. Darren Williams, owner, said he agreed to comply by Inspector Cross's dates.

Judge Hull found in favor of the City and ordered compliance with Section 47-21.8 within 60 days or a fine of \$25 per day, and with Section 9-306 within 180 days or a fine of \$50 per day would be imposed.

**Reference CE05061600**

Denny Hughes  
1553 Northwest 15<sup>th</sup> Avenue

Sec. 18-27(a): Trash and overgrowth on property;  
Sec. 9-280(g): Electrical components in disrepair;  
Sec. 9-279(g): Inoperable plumbing, improper drainage;  
Sec. 9-278(g): Missing/torn screens;  
Sec. 9-276(d)(1): unsanitary interior surfaces;  
Sec. 9-280(h)(1): Fence in disrepair;  
Sec. 9-280(b): Structure or Fixtures in disrepair;  
Sec. 9-308 (b): Roof in disrepair;  
Sec. 9-276(b)(3): Vermin infestation

Ms. Bazer announced that service was via the appearance of the owner at this hearing.

Ms. Cheryl Pingitore, Community Inspections Officer, testified that there was overgrowth and trash on the property; electrical fixtures were broken; appliances in the building were broken; there were missing/torn screens in the windows; interior walls, door, and carpets were dirty and not maintained; the chain link fence was in disrepair; window panes and frames were broken and inoperable; the roof was in disrepair and leaked and there was evidence of vermin infestation. Inspector Pingitore presented photos taken on June 29, 2005 and January 3, 2006. Inspector Pingitore said she had requested through email several times to see the inside of the house since June but had never been allowed access.

Mr. Denny Hughes, owner, informed Judge Hull that he purchased the house in June and was informed that there was a "Section 8" tenant in the home. Mr. Hughes discovered that he had been misinformed as to the current rent payment and tenant situation. There was supposed to be one woman and four children living at the house, but Mr. Hughes found

there were six adults living there. He had subsequently had a confrontation with the tenant and the tenant's caseworker had then processed the tenant out of the house. The tenant had left the premises just prior to Hurricane Wilma.

Mr. Hughes proposed that all of the damage had been done by the tenant after his confrontation with her. After she left, Mr. Hughes entered the house to find excrement on the walls and floors. Mr. Hughes had since removed the carpet, painted the walls, and had the electricity redone; the electrical permit was awaiting final inspection. Mr. Hughes informed Judge Hull that the window screens were on special order. A roofer had inspected the roof and told Mr. Hughes that the wall damage was old and not caused by a recent leak. Mr. Hughes requested another week to complete repairs as he had another Section 8 tenant approved to move in on January 18.

Inspector Pingitore presented an email dated January 3, 2006 from Mr. Hughes informing her that he had sold the property and the closing was scheduled for tomorrow. She recommended ordering compliance with all violations within 5 days or a fine of \$100 per day, per violation; she also asked that the order be recorded

Judge Hull found in favor of the City and ordered compliance within 5 days or a fine of \$100 per day, per violation would be imposed; he also agreed to record the order.

**Reference CE05110558**

James Fazio  
1200 North Federal Highway

Sec. 9-306: Graffiti on building;  
Sec. 18-27(a): Trash on property;  
Sec. 9-281(b): Unlicensed, trailer on property;  
Sec. 9-280(h)(1): Fence in disrepair

Ms. Bazer announced that service was via the appearance of the owner at this hearing.

Mr. Leonard Ackley, Community Inspections Officer, testified that the property was covered with trash; there was an unlicensed trailer on the property and the fence was in disrepair; Section 9-306 was complied. Inspector Ackley noted that progress had been made, and recommended ordering compliance with the remaining sections within 7 days or a fine of \$25 per day, per violation.

Mr. Anthony Fogliotta, the owner's brother, agreed to remove the fence and the remaining trash. He presented a registration for the trailer. He asked Inspector Ackley to phone him if new problems arose, as he did not visit the property every day. Judge Hull explained that Inspector Ackley was quite busy and could not be responsible for this.

Judge Hull found in favor of the City and ordered compliance with Sections 18-27(a), 9-281(b) and 9-280(h)(1) with 7 days or a fine of \$25 per day, per violation would be imposed.

**Reference CE05081255**

Florida Fair Housing Corp.  
1100 Northwest 7<sup>th</sup> Avenue

Sec. 47-21.8: Missing ground cover

Ms. Bazer announced that certified mail addressed to the owner had been accepted on December 1, 2005.

Mr. Leonard Ackley, Community Inspections Officer, testified that there was missing ground cover on the property. He presented photos of the property and explained that he had spoken to the representative at the hearing earlier and agreed to recommend ordering compliance within 60 days or a fine of \$50 per day.

Judge Hull found in favor of the City and ordered compliance within 60 days or a fine of \$50 per day would be imposed.

**Reference CE05060048**

Johnnie Rhodes  
2700 Northwest 16<sup>th</sup> Street

Sec. 9-313(a): Required display of address;  
Sec. 18-27(a): Trash on property;  
Sec. 9-281(b): Unlicensed, inoperable vehicle on property;  
Sec. 9-276(b)(1): Driveway in disrepair;  
Sec. 9-306(b): Peeling paint/stained surfaces

Ms. Bazer announced that certified mail addressed to the owner had been accepted [no date on card].

Ms. Cheryl Pingitore, Community Inspections Officer, testified that the driveway was in disrepair; the other violations were already complied. She presented photos of the property, a copy of the Special Magistrate notice and history of the property and recommended ordering compliance with Section 9-276(b)(1) within 30 days or a fine of \$25 per day.

Judge Hull found in favor of the City and ordered compliance with Section 9-276(b)(1) within 30 days or a fine of \$25 per day would be imposed.



**Reference CE03121635**

James D. Brown  
2708 Northeast 29<sup>th</sup> Court

Massey Hearing

Ms. Bazer announced that this case was first heard on May 6, 2004 with compliance ordered by July 5, 2004. The property was not complied and fines had accrued in the amount of \$41,100.

Mr. James Brown, owner, explained that the soffit and roof items were complied within 30 days but the pool repairs had not been done. Mr. Brown had refinanced the home to do the work last year and his wife had subsequently taken the money and was now divorcing him.

Mr. Leonard Ackley, Community Inspections Officer, informed the Judge that the case went back to 2003; he had last visited the house on September 28, 2005 and the violations still existed then.

Judge Hull asked Inspector Ackley to reinspect the property and return on February 2, 2006.

Judge Hull continued the case to February 2, 2006.

**Reference CE05071321**

Sheldon Friedberg  
1242 Northwest 5<sup>th</sup> Avenue

Sec. 9-306(a): Garage door in disrepair

Supervisor Bradley announced that service was via posting at the property on December 15, 2005 and at City Hall on December 20, 2005.

Mr. Andre Cross, Community Inspections Officer, testified that the garage door was in disrepair. He presented photos of the property, a copy of the property history and inspection report and recommended ordering compliance within 60 days or a fine of \$25 per day.

Judge Hull found in favor of the City and ordered compliance within 60 days or a fine of \$25 per day would be imposed.

**Reference CE05111516**

Raj Group Inc.  
2304 East Oakland Park Boulevard

Sec. 18-27(a): Trash on property

Ms. Bazer announced that certified mail addressed to the owner was accepted on December 7, 2005; certified mail addressed to the registered agent was accepted on

December 6, 2005 and certified mail addressed to an officer of the company was accepted [no date on card].

Mr. Leonard Ackley, Community Inspections Officer, testified that there was trash on the property. He recommended ordering compliance within 10 days or a fine of \$50 per day.

Judge Hull found in favor of the City and ordered compliance within 10 days or a fine of \$50 per day would be imposed.

#### **Cases Complied**

Ms. Bazer announced that the below listed cases were in compliance. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05060401	CE05061539	CE05061802	CE05080614
CE05090421	CE05091015	CE05091018	CE05110483

#### **Cases Pending Service**

Ms. Bazer announced that the below listed cases had been withdrawn pending service to the respondents. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05090212	CE05091348	CE05100309	CE05081238
CE05111721			

#### **Cases Withdrawn**

Ms. Bazer announced that the below listed cases had been withdrawn. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE05021456

#### **Request to Vacate Previous Order**

Judge Hull vacated the previous orders for the following cases. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

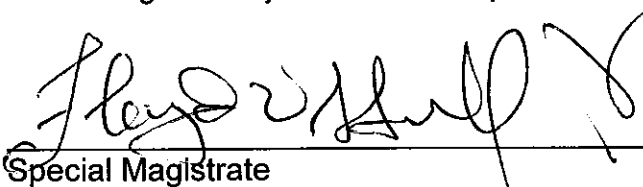
CE05051419	CE05051420	CE05051418
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**Approved for Claim of Lien**


Ms. Bazer presented Judge Hull with the following cases to sign the order to impose the fine, which Judge Hull signed based on the affidavits of the inspectors

CE05071240 - \$ 2,075	CE05051633 - \$ 600	CE04122338 - \$ 10,000
CE05071297 - \$ 13,000	CE05071584 - \$ 21,300	CE05021680 - \$ 2,375
CE05061821 - \$ 14,650	CE05070151 - \$ 800	

There being no further business, the hearing was adjourned at 1:15 p.m.

  
\_\_\_\_\_  
Special Magistrate

ATTEST:

  
\_\_\_\_\_  
Clerk, Special Magistrate